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June 19, 2007

BY HAND

The Honorable Naomi Reice Buchwald
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: Nerys Pichardo v. City of New York, et al., 07 CV 4645 (NRB)

Your Honor:

I am an Assistant Corporation Counsel in the Office of the Corporation Counsel, attorney for defendant City of New York. I write with regard to the above-referenced matter in which plaintiff alleges that on or about March 14, 2006, she was subjected to excessive force by police officers. Defendant City respectfully requests that the time to respond to the complaint be extended from the current due date of June 21, 2007, to August 20, 2007. Plaintiff's attorney, Mr. Edward Freidman, consents to this request.

There are several reasons for seeking an enlargement of time. In accordance with this office's obligations under Rule 11 of the Federal Rules of Civil Procedure, we need this additional time to obtain the relevant documents and investigate the allegations of the complaint. It is our understanding that some of the records of the underlying criminal action, including police records, may have been sealed pursuant to New York Criminal Procedure Law § 160.50. Therefore, this office is in the process of forwarding to plaintiff for execution a consent and authorization for the release of sealed records so that defendant can access the information, properly assess the case, and respond to the complaint. In addition, this office is in the process of forwarding to plaintiff for execution a consent and authorization for the release of medical records, limited, at this juncture, to medical records concerning treatment received as a result of the alleged incident.

In addition, it appears that the named individual officer defendants Brogan and Ehmer may have been served with the summons and complaint in this action. This office has not discussed with the defendants the manner of service, and we make no representation herein as to the adequacy of process on them. Although this office does not currently represent the aforementioned defendants in this action, and assuming they were properly served, this office respectfully requests this extension on their behalf, in order that their defenses are not

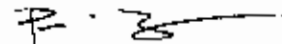
So Ordered
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jeopardized while representational issues are being decided. *See Mercurio v. The City of New York, et al.*, 758 F.2d 862, 864-65 (2d Cir. 1985)(quoting *Williams v. City of New York, et al.*, 64 N.Y.2d 800, 486 N.Y.S.2d 918 (1985)(decision whether to represent individual defendants is made by the Corporation Counsel as set forth in state law).

No previous request for an extension has been made by defendants. Accordingly, we respectfully request that defendants' time to answer or otherwise respond to the complaint be extended to August 20, 2007.

Thank you for your consideration herein.

Respectfully submitted,



Prathyusha Reddy (PR 5579)
Assistant Corporation Counsel
Special Federal Litigation Division

cc:

BY HAND

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